

Columbia Missourian

75th Year — No. 219

Good Morning! It's Saturday, May 28, 1983

2 Sections — 12 Pages — 25 Cents

Jury suggests 5-year term for Murray

By Pat Kammer
and Greg Campbell
Missourian staff writers

After three days in a courtroom and more than nine hours in deliberation, a Boone County jury late Friday found Robert Murray guilty of manslaughter in the shooting death of his adoptive father Darryl Murray.

At 9:25 p.m., the jury made known its verdict and recommended a five-year prison sentence. One woman juror cried as Circuit Judge Frank Conley read the recommendation. The maximum sentence for manslaughter is 10 years.

If Murray, 24, does not appeal the verdict by June 27, Conley will set the sentence then.

"I always figured I'd spend some time," said Murray afterward. "But, hell, we gave it our best shot. I thought we had a very good jury."

Murray stood just outside the courtroom throughout the afternoon and evening while the jury deliberated. He remains free on bond until sentencing.

The case went to the jury of nine women and three men at mid-day Friday after it had heard a total of 15 witnesses in the course of the trial.

At 9 p.m., defense attorney Tim Harlan, Prosecuting Attorney Joe Moseley and Murray entered the courtroom. The bailiff then brought in the jury. Conley then gave it further instructions.

He told the panel that if it found Murray guilty it also should fix punishment. If the jury was unable to recommend a sentence, however, the judge said it should fill out verdict forms, and the court — Judge Conley — would fix punishment.

The jury then returned to its deliberations.

Twenty minutes later the visibly shaken jurors returned with the verdict. After the verdict announcement, Murray appeared near tears, and his girlfriend, Kim Fehrie, cried in the courtroom gallery.

The jury's long deliberation may have stemmed from Friday morning's closing arguments and the conflicting testimony.

Harlan and Moseley avoided histrionics but painted



A.C. Dickman

"I always figured I'd spend some time. But, hell, we gave it our best shot. I thought we had a very good jury."

Robert Murray after his conviction Friday.

"We tried the case to get a verdict of guilty, and that's what we got."

Prosecuting Attorney Joe Moseley

radically different pictures of the defendant.

That Robert Murray shot his father in the back of the head with a .22-caliber pistol on the night of Jan. 18 was never in contention during the trial. Robert Murray described the killing in detail Thursday. The question was whether the slaying was justifiable in the eyes of the law.

For the defense, Harlan argued that it was justifiable because it was done to prevent imminent and serious injury to Robert's brother by adoption, Joey, 14. Robert had contended that Darryl Murray had threatened to give Joey a severe beating.

Moseley countered that Robert was unhappy because Darryl Murray wouldn't let him see his girlfriend and therefore made up and used the story as an excuse to carry out a killing he had contemplated for nearly a year.

In his closing arguments, Harlan calmly told the jury Robert had no choice but to act as he did. His cries for help to the state Division of Family Services were ignored, and he couldn't defend himself from the beatings

despite being physically capable of doing so, said Harlan.

Harlan admitted that Robert's refusal to defend himself against the smaller man was unexplainable. But he compared Robert to a battered wife and said that the victims often wanted to leave but just couldn't.

Nine years with Darryl Murray had warped Robert's perceptions, Harlan argued.

"Why didn't he fight back?" Harlan asked. "Because he thought it (getting beaten) was normal."

That was the same line of reasoning Harlan used in trying to refute testimony from Joey Murray and Charlie Hall, 14, a foster child living in the Murray home at the time of the killing. They testified that they had suffered no physical or sexual abuse in the Murray home.

"They knew nothing else," he said.

Robert and the boys, argued Harlan, had been too embarrassed to tell of sexual abuse. Darryl Murray taught them that his actions — including frequent enemas and spankings — were normal.

"How could anyone not be affected after living through this after nine years?" Harlan asked the jurors.

"You need to climb in there with him," Harlan said. He told the jurors they had to imagine themselves suffering the abuse Robert described. "You have to do that with Robert to know his state of mind."

"Remember that Robert Murray was sentenced nine years ago — he was sentenced to live with Darryl Murray," Harlan said. A verdict of not guilty, Harlan added, would mean a new life for Robert.

Harlan reminded them that the state had to prove beyond a reasonable doubt that Murray did not justifiably kill his father. If it didn't, Harlan said, Robert should not be found guilty.

In his closing arguments, Moseley said the only account Joey heard of Darryl Murray's threats came from Robert and that Robert had often told fantastic lies.

He characterized Robert as a calculating liar who had plotted his father's death as well as the stories he would tell to cover it up. He fabricated a defense for you the same way he fabricated the extensive tale of his father's disappearance," said Moseley.

Robert had earlier admitted that the detailed story he first told police was a lie.

"He hasn't brought anyone into this courtroom to corroborate his testimony," said Moseley. "Bob can't agree with anyone."

Moseley pointed out that even Joey contradicted Robert's testimony on the events surrounding the shooting.

The prosecuting attorney called Robert's reasoning in court "another one of Bob Murray's plots, another planned justification."

Moseley said Robert exaggerated the severity of punishment that Darryl Murray had inflicted on Joey, pointing to Joey's testimony that he had been paddled eight times in the Murray household and Robert's contention that Joey was paddled 20 to 25 times. Robert Murray testified Thursday that his brother was mistaken or had lied on that point as well as many others.

Moseley pointed to Murray's slow calculated re-

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Parents fear trend in teenage suicides

New York Times

NORTH SALEM, N.Y. — Cathy Ann Petruso, a 17-year-old high school senior, had a brief quarrel May 14 with her boyfriend at a drive-in movie in Danbury, Conn. She left the car and went to the restroom. Within a few minutes she was found dead, hanged by her own belt.

Though police hadn't ruled the death a suicide, residents of the northern Westchester County community of 4,500 have accepted the fact.

And May 19 — the evening after the funeral — 175 parents and teachers came to the high school auditorium to talk about their fears. If it happened to an attractive, popular girl who had been last year's homecoming queen, then it could happen in their own homes.

"It is too important an issue and too powerful an event in our community to ignore," James M. Walker, principal of North Salem High School, wrote to parents about "the apparent self-inflicted death."

"We are not here to make glib speculations," Dr. Everett Dulit, a psychiatrist in Scarsdale, N.Y., and a specialist in suicidal teenagers, said at the opening of the session.

"The kids feel a sense of respect and maybe idealization for Cathy," he said. "On the other side, there is anger at what she threw away. Yet it should be said: It was a terrible mistake, a colossal error of judgment."

For 2½ hours, the parents — some of them agitated, some of them tense — fired questions at Dulit and Dr. S. Kenneth Schonberg, a pediatrician and a member of the Chappaqua, N.Y., Board of Education.

INSIGHT

"Can we expect copycat suicides," one asked. Others asked, "How long will it take the children to get over it? Is it wise to let their emotions run free? How can we let the teenagers know that the community cares?"

"You're here to calm us down so we won't press the panic button," said one parent, Stephen Bisagni. "Something deep in my gut says suicide among young people is on the rise. Isn't there a relation to rock music, morals and the subculture?"

No, there is not a connection between suicide and modern trends, Dulit said. "Even fear of nuclear holocaust does not lead to suicide," he said.

The signs, Dulit said, are "not so powerful" and not always recognizable. He said they included depression, despair and "a feeling of no options."

"But what about the friends of Cathy who feel guilt because they feel they should have received some message?" asked Jeff Saunders, a science teacher.

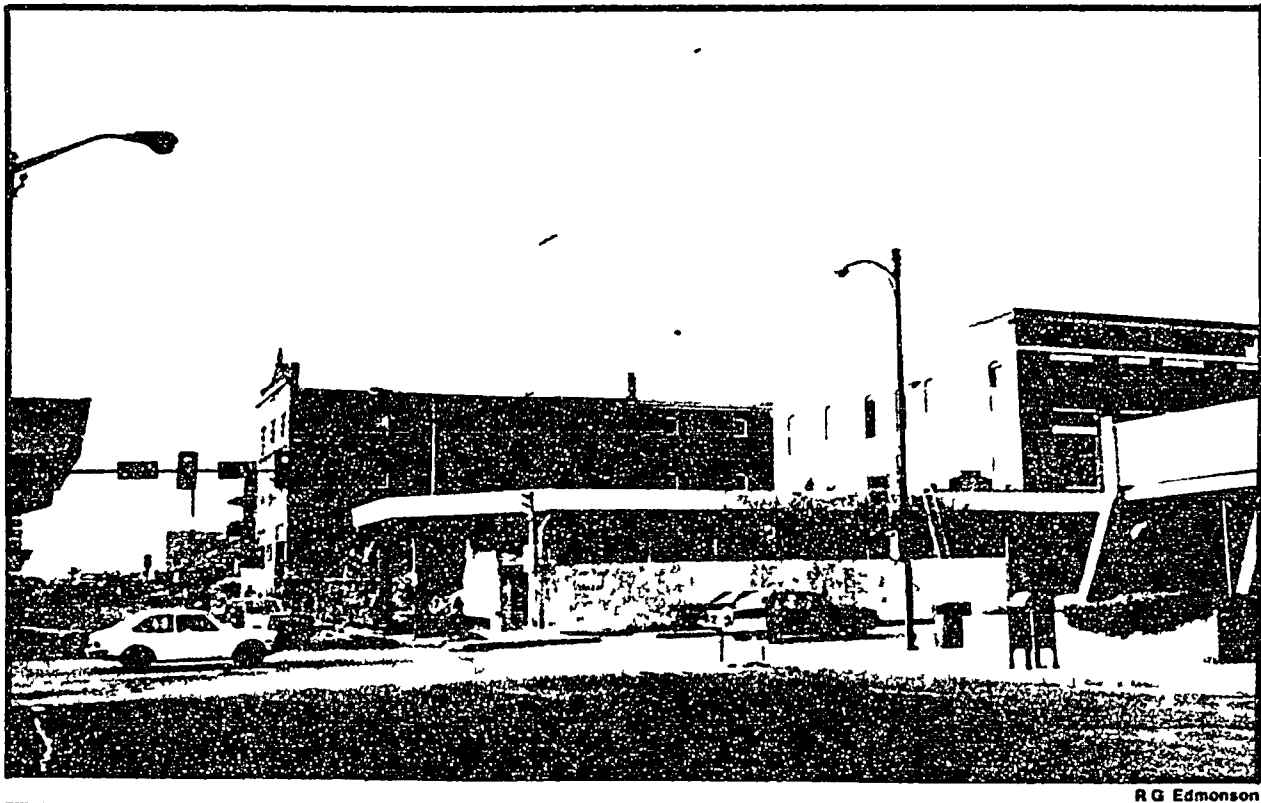
"How many warning signs do we receive every day? We can't respond to all of them," Dulit said. "When someone commits suicide, you look back and the messages loom large, but they are in a false light."

The school, which has 650 students in grades six through 12, has set up a crisis and guidance center. Walker said he received the news of the suicide on Sunday morning and called the guidance counselors. They met all afternoon and then called all 45 teachers to ask them to report to school at 7:30 a.m. so they would have the facts to present to their students.

One group of high school students was asked to "keep a finger on the pulse" of the students and alert faculty members if anyone seemed overwhelmed. The group consists of 15 to 20 students and is called the Peer Group. Each year the students in the group take a three-day trip to learn to relate to one another's feelings. Cathy Ann Petruso was a member last year.



Karen Uhlmeier



R.G. Edmonson

Fire team acts fast, loses fight

Losses high to merchants

By J. Harry Jones
and David R. Corder
Missourian staff writers

The first fire call went out at 4:02 a.m.

A minute later, Engine One, Squad One arrived at Tenth and Broadway. Engine Three and Ladder Three arrived two minutes later.

At 4:07, Battalion Chief Joe Af-ton called for help.

Before the fight was over, equipment from Columbia, Boone County and even Jefferson City had joined the cause.

Some 100 firefighters battled the flames for more than three hours. The Jefferson City fire squads were called as a precautionary standby in case other fires should break out in the city while the departments here were busy.

In the end, the Stephens College Endowment Building at Tenth and Broadway lay in ruins, and the seven businesses and offices there were gone. Unofficial estimates put the damage into the millions.

Columbia Fire Chief Gerald "Toot" Wren estimated the damage to the building at \$600,000. The value of the contents was not

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At 5:20 a.m. Friday, the Stephens College Endowment Building was a mass of flames. By 7 p.m., the building was a mass of rubble as construction crews began barricading the site.

High court exempts education tax from Hancock

From staff and wire reports

JEFFERSON CITY — The Missouri Supreme Court Friday ruled unanimously that money raised by the 1-cent education sales tax approved by voters last year is exempt from the state's revenue lid, popularly known as the Hancock Amendment.

As a result, about \$272 million in added sales-tax money can benefit local school districts without pushing the state over the edge into a refund for taxpayers. Under Hancock, any money the state collects in excess of the revenue lid must be refunded to those who pay state income taxes.

The ruling was the latest in a series by the high court in favor of the amendment — which is named after Springfield, Mo., businessman Mel Hancock, who spearheaded the campaign to place it on the 1980 state ballot.

In an afternoon press conference, Attorney

General John Ashcroft announced he had filed an appeal with the high court in another Hancock lawsuit — one brought by three state senators. In that suit, Cole County Circuit Judge Byron Kinder ruled last month that all 4 cents of the state sales tax, and not just the 1-cent increase for education, was outside the revenue lid.

The Supreme Court's ruling Friday arose from a suit filed by two state representatives — Wayne Goode, D-Normandy, and George Hohlitzelle, R-St. Louis. They had asked the Cole County Circuit Court to decide whether money generated by Proposition C, the education sales tax initiative, was subject to the Hancock revenue lid formula.

Cole County Circuit Court Judge James McHenry had dismissed Goode and Hohlitzelle's suit, saying their question already had been answered by Kinder's earlier ruling.

In upholding McHenry's decision, the state's highest court Friday agreed that the Hancock Amendment exempted voter-approved increases in state taxes from the lid's formula.

Though the Hancock Amendment clearly requires that increases in local fees and taxes be approved by voters, the status of tax increases approved by state voters had been unresolved.

Earlier in the current legislative session, the General Assembly passed and Gov. Christopher Bond signed into law a bill declaring Proposition C money to be "local revenue" and therefore outside the revenue lid. The Bond administration had estimated that if Proposition C receipts were counted under the revenue lid, the state would have to refund \$125 million to taxpayers.

Ashcroft said the high court's latest deci-

sion should aid his appeal of Kinder's April ruling. Ashcroft wants the high court to exempt only the 1-cent education sales tax — but not the other 3 cents of the sales tax — from the revenue lid.

"Judge Kinder's ruling guts the Hancock Amendment by creating a \$1.2 billion cushion in the revenue ceiling, allowing the General Assembly to totally disregard the people's will when they overwhelmingly approved tax and spending limits for Missouri," Ashcroft said at an afternoon news conference.

"It really was the intention of the people of Missouri to increase the sales tax by 1 cent to help education and to help lower property taxes. I don't think they intended to take out the entire 4 cents," he said.

Kinder based his ruling on language in the Proposition C ballot question that he said re-

pealed the 3-cent sales tax and called for the enactment of a new 4-cent sales tax.

Sen. Roger Wilson, D-Columbia, said Friday's ruling could dampen support for his effort to amend the Hancock Amendment. As chairman of the Senate Constitutional Amendments Committee, Wilson has proposed a revised version of the amendment, including a new revenue lid formula.

His formula would allow voters to expand the lid whenever they approve increases in state taxes. His formula also is designed to incorporate the money raised by Proposition C. The end result is that Wilson's formula reaches the same dollar result as Friday's high court ruling.

"I imagine that would slow the momentum of some people," he said. "Now both sides probably are going to take a laid-back approach to improving on it (Hancock Amendment)."